

UNITED STATES DISTRICT COURT  
IN THE SOUTHERN DISTRICT OF NEW YORK

CASE NO. 2021 Civ. 2552 (JPC)

SILICON VALLEY BANK

Plaintiff,

v.

JES GLOBAL CAPITAL GP III. LLC;  
and ELLIOT S. SMERLING

Defendants.

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~~[PROPOSED]~~ ORDER

THIS CAUSE having come before the Court at hearing on March 31, 2021 upon Plaintiff's *Ex Parte* Motion for an Order of Attachment and Temporary Restraining Order with respect to certain assets of the Defendants, including a Chase Bank Account with the last four digits 9271 in the name of Canes Nineteen LLC, and the Court having been advised by counsel for the managers of Canes Nineteen LLC that approximately \$7,563.94 contained in that account is immediately necessary for the managers of that entity to pay for the health insurance of its employees; that one of the three managers of that entity, Richard Annunziata, is currently undergoing chemotherapy for advanced liver cancer and that the insurance payment for the employee health policies are due on April 1, 2021; and that in order to allow the managers of Canes Nineteen LLC to make such payment and prevent any interruption of Mr. Annunziata's treatment, the managers seek to be relieved of the restrictions imposed upon the account by the court's previous orders in this matter to the extent necessary to pay the premiums owed, and counsel for Plaintiff having indicated he has no objection to the limited relief sought, it is therefore,

**ORDERED AND ADJUDGED** that the Orders previously entered on March 29, 2021 and March 31, 2021 (DE No.'s 26 and 31) shall not prohibit the managers of Canes Nineteen, LLC, Richard Annunziata, Martin Nestares and Adam Bleggi, from paying the employee health

insurance premiums in the amount of \$7,563.94 due on April 1, 2021 using funds held in the name of Canes Nineteen, LLC in the account with the last four digits 9271 at JPMorgan Chase Bank, N.A., d/b/a Chase Bank. The Court's prior orders otherwise remain in full force and effect pending further order on any subsequent motion for modification by any interested party.

DONE AND ORDERED this 1<sup>st</sup> day of April, 2021.

  
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Honorable John P. Cronan  
United States District Judge